

WILLIAM H. PAYNTER (State Bar No. 98882)
LAW OFFICES OF WILLIAM H. PAYNTER
809 Broadway, Suite 6
Sonoma, California 95476
Telephone: (707) 996-5605
Facsimile: (707) 996-4629
Attorneys for Plaintiff
LUANNE S. JORDAN

JEFFREY D. POLSKY (State Bar No. 120975)
MATTHEW P. VANDALL (State Bar No. 196962)
KAUFF McCLAIN & McGUIRE LLP
One Post Street
Suite 2600
San Francisco, California 94104
Telephone: (415) 421-3111
Facsimile: (415) 421-0938

Attorneys for Defendant
CAPEL, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

LUANNE S. JORDAN,

Plaintiff,

v.

CAPEL, INCORPORATED, and Does 1
through 60, inclusive,

Defendants.

CASE NO. C054939 SI

**STIPULATION AND [PROPOSED
ORDER] TO EXTEND DEPOSITION
CUT OFF DATE TO AND INCLUDING
OCTOBER 26, 2006 FOR THE
PURPOSE OF TAKING THE
DEPOSITION OF CHARLES YOUNG.**

COMPLAINT FILED:
October 31, 2005

The parties, through their respective counsel, seek to amend certain Court ordered dates and schedules for this case by amending and extending the non-expert deposition discovery cutoff date to and including October 26, 2006 for the sole purpose of taking the deposition of Charles Young.

1. On October 31, 2005 plaintiff Luanne S. Jordan ("Jordan" or "plaintiff") filed a civil action in the Superior Court, City and County of San Francisco, against defendant Capel, Inc. ("Capel" or "defendant"). Defendant removed the action to this Court pursuant to 28 U.S.C. § 1441(b).

2. Plaintiff alleges, inter alia, breach of contract, fraud, unfair business practices, violations of the California Labor Code, and bad faith. Defendant denies all such allegations.

3. The Court's Second Pretrial Preparation Order dated September 6, 2006 extended the non-expert deposition discovery cutoff date from September 8, 2006 to October 23, 2006.

4. The parties have made a good faith effort to comply with the current cut off date for depositions of October 23, 2006 but because of counsel's schedules and Mr. Young's travel schedules compliance was not possible and the earliest date available for Mr. Young's deposition is three days following the Court ordered deadline for non-expert depositions.

5. The parties have agreed to conduct the plaintiff's deposition of Charles Young in San Francisco on October 26, 2006.

6. The parties hereby stipulate and request that the Court order the non-expert discovery cut off date be continued from October 23, 2006 to and including October 26, 2006, so that the deposition of Mr. Charles Young may be taken.

7. The other Court ordered dates shall remain as previously ordered.

DATED: OCTOBER 19, 2006

SO STIPULATED

KAUFF MCLAIN & MCGUIRE LLP

/S/
JEFFREY C. POLSKY
MATTHEW P. VANDALL
ATTORNEYS FOR DEFENDANT CAPEL,
INC.

1
2
3 **I HEREBY ATTEST THAT I HAVE ON FILE ALL HOLOGRAPH SIGNATURES FOR**
4 **ANY SIGNATURES INDICATED BY A "CONFORMED" SIGNATURE (/S/) WITHIN THIS**
5 **EFILED DOCUMENT.**

6 DATED: OCTOBER 19, 2006

SO STIPULATED

7
8 LAW OFFICE OF WILLIAM H. PAYNTER

9 /S/
10 WILLIAM H. PAYNTER
11 ATTORNEY FOR PLAINTIFF
12 LUANNE S. JORDAN

13 IT IS SO ORDERED:

14 DATE : October ____, 2006

15 
16 SUSAN ILLSTON
17 JUDGE, U.S. DISTRICT COURT
18
19
20
21
22
23
24
25
26
27
28